



Proposed law provides that certain persons are entitled to legal causes of action and legal remedies under proposed law as follows:

- (1) A biological female student who is deprived of an athletic opportunity or suffers or is likely to suffer from any direct or indirect harm as a result of a violation of proposed law.
- (2) Any biological female student who is subjected to retaliation or other adverse action by a school, athletic association, or other organization as a result of reporting a violation of proposed law to an employee or representative of the school, athletic association, or to any local, state, or federal agency with oversight of schools.
- (3) Any school coach, school, school board, employee of a school or school board, or board member of a school board that suffers any direct or indirect harm for prohibiting a biological male from participating in a girls' or women's athletic team or sporting event.

Proposed law provides that any person who is entitled to bring a cause of action pursuant to proposed law may obtain the following relief:

- (1) A court ordered injunction, a protective order, a writ of mandamus or prohibition, or a declaratory judgment to prevent any violation of proposed law.
- (2) Actual damages suffered, reasonable attorney fees, and costs.

Proposed law provides that any civil action pursuant to proposed law must be initiated within two years from the date that the harm occurred.

Proposed law provides for the following definitions:

- (1) "Post secondary education board member" means a person who serves as a board member or officer for a postsecondary education management board.
- (2) "Postsecondary education management board" means a board that govern post secondary educational institutions.
- (3) "School" means a public elementary or secondary school, a nonpublic elementary or secondary school that receives state funds, a public postsecondary educational institution, or a nonpublic post secondary educational institution that receives state funds.
- (4) "School coach" means a person who is a coach, assistant coach, or volunteer coach of a school interscholastic or intramural athletic team or sporting event.
- (5) "School board" means a school board or school governing authority subject to the provisions of present law or any nonpublic school governing authority.
- (6) "School employee" means a person who is employed by a school or by a school board.

- (7) "School board member" means a person who serves as a board member or officer for a school board or school governing authority subject to the provisions of present law or for any nonpublic school governing authority.

Proposed law provides that the legislature finds and declares all of the following:

- (1) Federal law, enacted in 1972, was designed to ensure that women are free from discrimination on the basis of sex in both education and athletics so that women would be afforded the opportunity to compete for athletic scholarships and to potentially launch their own athletic careers after they have completed their education.
- (2) The U.S. Supreme Court has recognized that there are inherent differences between men and women and that these differences remain cause for celebration, but not for denigration of the members of either sex or for artificial constraints on an individual's opportunity.
- (3) Inherent differences between men and women range from chromosomal and hormonal differences to physiological differences resulting in men generally having denser and stronger bones, tendons, and ligaments, larger hearts, greater lung volume per body mass, a higher red blood cell count, and higher hemoglobin as well as higher natural levels of testosterone, which affects traits such as hemoglobin levels, body fat content, the storage and use of carbohydrates, and the development of Type II muscle fibers, all of which result in men being able to generate higher speed and power during physical activity.
- (4) The biological differences between females and males, especially as it relates to natural levels of testosterone, explain the male and female secondary sex characteristics which develop during puberty and have lifelong effects, including those most important for success in sport; categorically, they are strength, speed, and endurance generally found in greater degrees in biological males than biological females.
- (5) While classifications based on sex are generally disfavored, the U.S. Supreme Court has recognized that sex classifications may be used to compensate women for particular economic disabilities suffered, to promote equal employment opportunity, and to advance full development of the talent and capacities of our nation's people.
- (6) One place where sex classifications allow for the full development of the talent and capacities of our nation's people is in the context of sports and athletics.
- (7) A recent study of female and male Olympic performances found that, although athletes from both sexes improved over the time span, the gender gap between female and male performances remained stable. These studies suggest that women's performances at the high level will never match those of men. The evidence is unequivocal that starting in puberty, in every sport except sailing, shooting, and riding, there will always be significant numbers of boys and men who would prevail over the best girls and women in head-to-head competition. Claims to the contrary are simply a denial of science.

- (8) The benefits that natural testosterone provides to male athletes is not diminished through the use of puberty blockers and cross-sex hormones. A recent study on the impact of such treatments found that even after twelve months of hormonal therapy, a man who identifies as a woman and is taking cross-sex hormones had an absolute advantage over female athletes and will still likely have performance benefits over women.
- (9) Having separate sex-specific teams furthers efforts to promote sex equality. Sex-specific teams accomplish this by providing opportunities for female athletes to demonstrate their skill, strength, and athletic abilities while also providing them with opportunities to obtain recognition, accolades, scholarships, better physical and mental health, and the numerous other long-term benefits that flow from success in athletic endeavors.

Effective August 1, 2020.

(Adds R.S. 4:441-446)